

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 768 of 2017

Smt. Manjila Khalkho (Uraon) W/o Ajay Khalkho, Aged About 35 Years R/o Village- Govindpur, Police Station- Khadgawan, District- Koriya Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- The Station House Officer, Police Station- Khadgawan, District- Koriya Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Sharmila Singhai, Advocate
For Respondent/State	:	Shri D.R. Minj, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/02/2017

Heard.

1. This is the second application for grant of bail to the applicant. Her first application was dismissed as withdrawn with liberty revive at an appropriate stage.
2. The applicant has been arrested in connection with Crime No.110 of 2016 registered in Police Station- Khadgawan, District -Koriya (C.G.) for the alleged commission of offence under Sections 363, 366, 368 and 376 (2) (k) & (n) IPC and Section 4, 6 & 17 of the Protection of Children from Sexual Offences Act, 2012.
3. Learned counsel for the applicant submits that this application for grant of bail has been repeated after about four months praying for grant of bail only on the ground of long pre-trial detention. It is submitted that the applicant was arrested on 27.8.2016. Thereafter, the investigation has been completed and charge sheet has been filed. The applicant is not in a position either to abscond or tamper with the prosecution witnesses. It is next contended that the main

accused is the applicant's son. The allegation against the applicant is that she facilitated her son to take the prosecutrix away with him, probably for the reason that she thought that her son was in love with the girl.

4. On the other hand, learned counsel for the State has opposed the bail application. He submits that the applicant knowing fully well that the prosecutrix is a minor, played an active role, allowed the prosecutrix to run away with her son and thereby committed offence as alleged.
5. Having heard learned counsel for the parties, taking into consideration the period of pre-trial detention, the nature and extent of overt act alleged against the applicant and further taking into consideration that the charge sheet has already been filed and the applicant is not likely to abscond or in a position to tamper with prosecution witnesses, I am inclined to enlarge the applicant on bail.
6. The application is accordingly allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge